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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,289

Applicant(s)

LEMMONS ET AL.

Examiner

MUSHFIKH ALAM

Art Unit

2426

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 2-53 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/19/2010 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-12, 14-25, 27-38, 40-51, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (US 5629733) in view of Rowe et al. (US 6008803).

Claim 2, Youman teaches a method for allowing a user to access interactive program guide features (TV guide, home theater, etc.) on a display screen (television), the method comprising:

- display a first display (fig. 11) on the display screen, wherein the first display comprises one of a program (television screen) and an interactive program guide display (i.e. with interactive listings) (fig. 11);

Youman is not entirely clear in disclosing a method for allowing a user to access interactive program guide features on a display screen, the method comprising:

- receiving a menu input from the user;
- displaying, in response to the menu input, an interactive program guide menu in a second display that is displayed simultaneously with at least a substantial portion of the first display, wherein the interactive program guide menu simultaneously displays a plurality of menu choices corresponding to a plurality of display modes of the interactive program guide; and
- displaying, in response to receiving a user selection of a particular menu from the plurality of menu choices, program guide information that is associated with the particular menu choice.

Rowe teaches "an interactive program guide menu in a second display (listings) that is displayed simultaneously with a first display (categories)" (fig. 2-3).

- receiving a menu input (schedule display input) from the user (col. 7, lines 17-33);
- displaying, in response to the menu input, an interactive program guide menu (figs. 2-3) in a second display (below preview window) that is displayed simultaneously with at least a substantial portion of the first display (preview window, 92), wherein the interactive program guide menu simultaneously displays a plurality of menu choices (categories) corresponding to a plurality of display modes (sports mode, talk shows mode, comedies, etc.) of the interactive program guide (figs. 2-3). *The preview window is the first display displayed with the second display. The first display is taught by Youman in*

a full screen mode. After a guide button depression is input, then the listings of Rowe is shown with respect to the combination.

- displaying, in response to receiving a user selection (i.e. scrolling or selection of) of a particular menu choice from the plurality of menu choices (categories, i.e. sports, talk shows, etc.), program guide information (particular programs associated with category) that is associated with the particular menu choice.

Therefore, it would have been obvious to one of ordinary skill in the art to have provided simultaneous display of two display features as taught by Rowe to the system of Youman to enable guide selection while not missing the current program (col. 3, lines 7-27).

Claim 3, Youman teaches the method of claim 2 wherein the plurality of menu choices comprises (MENU mode i.e. depressing the mode key one or two times from FLIP or BROWSE mode) a menu choice corresponding to a program listings display mode (col. 15, lines 20-24).

Claim 4, Youman teaches the method of claim 3 wherein displaying program guide information associated with the particular menu choice comprises displaying a plurality of interactive program listings in response to receiving a user selection of the menu choice (choosing TV guide from MENU mode) corresponding to the program listings display mode (figs 6, 18).

Claim 5, Youman teaches the method of claim 2 wherein the plurality of menu choices comprises a menu choice corresponding to a program search display mode (fig. 38F; col. 15, lines 51-67; col. 31, lines 52-col. 32, lines 16). *Figure 38A displays an alternative menu screen that may be accessed by depressing the mode key a specified number of times.*

Claim 6, Youman teaches the method of claim 5 wherein displaying program guide information associated with the particular menu choice comprises displaying, in response to receiving a user selection of the menu choice corresponding to the program search display mode, an interactive program guide interface from which the user can initiate a restrictive search (based of alpha characters) of a database of program schedule data (fig. 38F; col 31, lines 52-col. 32, lines 16).

Claim 7, Youman teaches the method of claim 2 wherein displaying the plurality of menu choices comprises a menu choice (e.g. BY TIME) corresponding to a day to view display mode (figs. 38A, 38B). *A user may change the day by using the left and right scroll arrows shown in figure 38B.*

Claim 8, Youman teaches the method of claim 7 wherein displaying program guide information associated with the particular menu choice comprises displaying, in response to receiving a user selection of the menu choice corresponding to the day to view display mode (e.g. BY TIME), a plurality of selectable day options (by scrolling

through days) each corresponding to a unique day for which program schedule information is available, wherein program schedule information corresponding to a particular day option (e.g. TODAY) is displayed in response to the particular day option being selected (fig. 38B).

Claim 9, Youman teaches the method of claim 2 wherein the plurality of menu choices (TV guide, home theater, customer service) comprises a menu choice (favorite channel, fig. 7) corresponding to a favorite channel display mode (col. 25, lines 61-col. 26, lines 12).

Claim 10, Youman teaches the method of claim 9 wherein displaying program guide information associated with the particular menu choice comprises displaying, in response to receiving a user selection of the menu choice corresponding to the favorite channel display mode, an interactive program guide interface from which the user can select a favorite channel line-up (fig. 8 col. 25, lines 61-col. 26, lines 12).

Claim 11, Youman teaches the method of claim 2 wherein the first display (program signal) comprises video for the program and wherein displaying an interactive program guide menu comprises displaying the interactive program guide menu simultaneously with at least a substantial portion of the video for the program (fig. 5; col. 11, lines 63-col. 12, lines 11).

Claim 12, Youman teaches the method of claim 2 wherein the first display (program signal) comprises an interactive program guide display (FLIP, BROWSE, MENU overlay) and wherein displaying an interactive program guide menu comprises displaying the interactive program guide menu simultaneously with at least a substantial portion of the interactive program guide display (fig. 5, 6, 11).

Claim 14, Youman teaches the method of claim 2 further comprising displaying, in response to receiving from the user (i.e. through a remote control) (fig. 4) a user selection to view additional menu choices, new menu choices (customer service) in the interactive program guide menu in place of the displayed menu choices (messages) (replacing messages with customer service) (fig. 6; col. 25, lines 61-col. 26, lines 12).

Claims 15-25, and 27 are analyzed as apparatuses of claims 2-12, and 14.

Claims 28-38, and 40 are also analyzed as apparatuses of claims 2-12, and 14.

Claims 41-51, and 53 recite a machine readable medium to perform the steps of claims 2-12 and 14 above. It is inherent that Youman contains a computer-readable medium to perform the steps of claims 2-12 and 14 as noted above.

5. Claims 13, 26, 39, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youman et al (US 5629733) in view of Rowe et al. (US 6008803), and further in view of Hendricks (2005/0157217).

Claim 13, Youman is silent regarding the method of claim 2 further comprising:

- defining at a remote location operational parameters indicating default menu choices for the interactive program guide menu; and
- transmitting the operational parameters to user equipment; wherein displaying the interactive program guide menu comprises displaying the interactive program guide menu comprising the default menu choices.

Hendricks teaches the method further comprising:

- defining at a remote location (headend) operational parameters (menu driver access scheme) indicating default menu choices for the interactive program guide menu (p. [0014]); and
- transmitting the operational parameters to user equipment (subscribers); wherein displaying the interactive program guide menu comprises displaying the interactive program guide menu comprising the default menu choices (p. [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided menu functionality created at the headend as taught by Hendricks to the system of Youman to allow the user to sequence through the various menus (p. [0014]).

Claim 26 is analyzed as an apparatus of claim 13.

Claim 39 is also analyzed as an apparatus of claim 13.

Claim 52 recites a machine readable medium to perform the steps of claim 13. It is inherent that Hendricks contains a computer-readable medium to perform them steps of claim 13 as noted above.

Response to Arguments

6. Applicant's arguments with respect to claims 2-53 have been considered but are moot in view of the new ground(s) of rejection.

Although a new rejection is issued, some arguments are responded to for clarity of rejection.

Applicant argues the categories and listings in Rowe are clearly displayed in different sections of the same display. Rowe does not disclose displaying the program listings with the categories as the result of a user input from a previous display (without the listings) of the category. The listings and the categories are always displayed, as part of one display.

The Examiner respectfully disagrees. The guide is displayed upon a menu input. The claims are broadly claimed, whereas the input does not denote any specific selection of a category or listing. Any user action may be interpreted as a menu input. The claimed limitation ONLY requires that the first and second displays are to be displayed simultaneously upon ANY menu input. The first display being the program and the second display being the interactive guide is clearly taught by Youman and Rowe.

Applicant further argues Rowe's program listings are "program guide information", which is what is displayed in Applicants' claimed approach after the user has selected a menu option from the second display.

The Examiner respectfully disagrees. Rowe's "program guide information" is display depending upon which category is selected. Thus, if a user activities a "menu input" to a different category, those "program guide information" is displayed after the input.

Conclusion

7. Claims 2-53 are rejected.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirl Joseph can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/
Examiner, Art Unit 2426
2/23/2010

/Joseph P. Hirl/
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February 24, 2010